

## Chapter 9: HC Districts and Historic Landmarks

14-Mar-14

	Current	New (beginning April 1, 2014)
<b>General Provisions</b>	HC Conservation Districts intended to protect and conserve areas of the city and individual structures, premises and sites having special historic or cultural significance	Intent expanded to include HC Conservation Districts, Historic Overlay Districts, and Norfolk Historic Landmark designation
<b>Architectural Review Board (ARB) (beginning April 1, 2014)</b>		
Creation	Planning Commission shall serve as the ARB, with Design Review Committee serving as advisory	ARB will be created based on the composition below
Composition	No requirements for Planning Commission. Design Review Committee has composition requirements	At least 2 registered architects
		At least 2 archaeologists, historians or architectural historians by profession
		At least 1 registered landscape architect
		At least 1 from field of engineering, real estate or planning
		At least 2 residents or owners of property in one of the city's historic zoning or overlay districts
Term of office		At least 1 member of the Planning Commission
		Four years, though staggered from 1 to 4 years to start, and the Planning Commission member to be appointed annually
Vacancies		Filled by City Council for remainder of term
Meetings		At least one per month
Duties and responsibilities	Grant COAs, adopt standards and guidelines, seek advice of Design Review Committee	Grant COAs, adopt standards and guidelines, review applications for designation and boundaries of districts/landmarks, review applications for State and National Registers
<b>Designation of historic districts, structures or landmarks</b>		
Process for designation of HC or historic overlay	City Planning Commission prepared application and report	Request can be made by any individual or organization. ARB directs staff to prepare application and report

	Report details boundaries, historical significance, character, recommended regulations	Same
	Approval process not defined in Chapter 9	Review and recommendation by ARB
		Review and recommendation by Planning Commission
		Approval by City Council
Process for designation of structures and landmarks	na	Application by property owner or representative
		Application includes survey, photos, history
		Review and recommendation by ARB
		Review and recommendation by Planning Commission
		Approval by City Council
		Benefits include use of Virginia Rehabilitation Code, special provisions for nonconforming uses, and potential reduction in off street parking requirements
Certificate of appropriateness (COA)		
When COA required	Alternation of exterior appearance, whether or not building permit required. Driveway. Encroachment. Features visible from right-of-way. Demolition, all or significant part	Same
Failure to secure COA	Not defined. No fee	Zoning violation. \$255 fee for after-the-fact review as set by the City Manager
When COA not required	Ordinary maintenance; emergency demolition determined by Code Official and Fire Marshall-notification to be made to chairperson of planning commission and design review committee and others as appropriate; improvement not visible from right-of-way; property located in HO-D or HC-EF not visible from right-of-way other than alley	Same except ordinary maintenance expanded to include replacement of building element, feature or appurtenance when like-for-like replacement used

Application	Materials could include architectural plans, site plans, landscape plans, signs, lighting, elevations, photos	Materials will include architectural plans, site plans, landscape plans, signs, lighting, elevations, photos, \$255 application fee if after-the-fact, other exhibits and reports deemed necessary. Waiver may be requested from and granted by the Planning Director as being unnecessary for review
	na	Electronic documents required
	na	Notice must be posted at least 7 days prior to initial ARB consideration and remain posted through final decision, including any appeal
	na	Staff report will be prepared
Review of Application	Reviewed by Design Review Committee, forward recommendation to City Planning Commission. If approved, issue COA	Reviewed by ARB (both for properties in historic districts and Norfolk Historic Landmarks) applying defined criteria, including public comment. If approved, issue COA
Appeals	Applicants may appeal to City Council within 30 days of final decision of the Planning Commission; appeal City Council decision to circuit court within 30 days of decision	Same, except appeal is of ARB decision and can be made by any aggrieved person
Effect of approval		COA shall permit only those alterations shown in application; expires after 3 years
<b>Moving structures</b>	Requires COA	Not set out; may or may not require COA depending on whether or not the requirements for a COA previously set out are triggered
<b>Demolition</b>		
General requirements	COA required for demolition in HC districts, except when necessary for public safety	COA required for demolition in historic district, historic overlay district or Norfolk Historic Landmark, except when necessary for public safety

Review criteria	Whether the building has architectural or historical interest, is old, unusual or uncommon, retention of the building would preserve and protect historic place or area of historic interest	Whether the structure is contributing to the district. If noncontributing, whether the structure is old, unusual or uncommon, impact on overall character of district, or demolition would be inconsistent with the adopted comprehensive plan
Determination	Planning commission with recommendation from design review committee shall review circumstances and condition to determine feasibility of preservation. If not physically or economically feasible, COA will be issued for demolition	ARB shall review circumstances and condition to determine feasibility of preservation. If not economically feasible, COA will be issued for demolition
Economic infeasibility	na	The burden to adequately demonstrate economic infeasibility shall be on the applicant for the COA. ARB shall consider potential for reasonable economic return. No portion of the costs associated with preservation due to neglect or lack of maintenance may be included in determination of economic infeasibility
	If preservation is found to be physically or economically feasible, the ARB shall take or encourage the taking of whatever steps will likely to lead to preservation.	If preservation is found to be economically feasible, the ARB shall take or encourage the taking of whatever steps will likely to lead to preservation.
Alternative; offer for sale.	If COA for demolition is denied by the planning commission and, if appealed, the denial is upheld by the city council, the property owner shall offer the property for sale to any party willing to preserve and restore the landmark, building or structure and the land pertaining thereto, according to set schedule. If no contract is executed for the sale of the property within a specified period, the demolition permit shall be issued.	Same, except appeal is of ARB decision and can be made by any aggrieved person

	na	COAs expire twelve months from the date of approval if the demolition has not been accomplished
Conditions on demolition	na	If, during the demolition process, archeological discoveries or cultural remains are unearthed, demolition shall cease, the property shall be surveyed and a determination made within 21 days
<b>Required maintenance</b>	All buildings and structures within HC Districts shall be maintained in good repair, structurally sound, and reasonably protected against decay and deterioration in compliance with Volume II- Building Maintenance Code, of the Uniform Statewide Building Code. Vacant buildings must be secured against public entry	All buildings and structures within an historic district or HOD or designated as a Norfolk Historic Landmark shall be maintained in good repair, structurally sound, and reasonably protected against decay and deterioration in compliance with the applicable maintenance provisions of the Uniform Statewide Building Code.
<b>General Development Standards Applicable in All HC Districts</b>		
Nonconforming uses	Legal nonconforming uses may be expanded with special exception, with limits on areas of expansion	Set forth in Article III, Chapter 12
Parking and loading	Set forth in Article III, Chapter 15, except: 1 space per dwelling unit; no parking in required front yard; and reduced parking dimension in HC-EF	Set forth in Article III, Chapter 15
Signs	Set forth in Article III, Chapter 16	Same
Landscaping and buffering	Set forth in Article III, Chapter 17	Same
Accessory uses	Subject to the provisions of Article III, Chapter 13	Permitted in all HC Districts, subject to the provisions of Article III, Chapter 13. Accessory structure shall be clearly subordinate to the primary structure in aspects of size and appearance

Exterior illumination	Shall be compatible with historic character; no lighting shall be directed or reflected to cause excessive glare; no neon lights inside or outside that is visible from right-of-way	Shall be provided by fixtures that are determined by the ARB to fit the context of the surroundings where no greater than 5.0 foot-candles of illumination spills onto any public right-of-way or non-residential property and that no more than 0.5 foot-candles of illumination spills onto any adjacent residential properties
Ancillary mechanical equipment and accessory structures	Shall be appropriately shielded from public view	All ancillary mechanical equipment and ancillary accessory structures, such as garbage can corrals, shall be shielded from public view using structural or landscape means. The ARB shall determine the appropriateness of the method, design and material used for screening.
Fenestration in buildings used commercially	na	<p>For an existing building with a commercial use, any window facing a public street shall be kept transparent (no signage, films, fixtures, etc.). Interior and exterior decorative window treatments that do not obscure more than 50% of the required transparency are exempt from this provision</p> <p>For new buildings with a commercial use, at least 50% of the total area of the ground floor of any façade facing a public street shall be transparent and no signage, films, fixtures, etc. shall block transparency. Interior and exterior decorative window treatments may that do not more than 50% of the required transparency are exempt from this provision</p>

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**Ghent Historic and Cultural Conservation Districts (HC-G1, HC-G2 and HC-G3)**

Principal uses	Defined in table, except bed and breakfast and replacement of commercial structure with residential development have specific criteria	The uses permitted by right or by special exception defined in Table 9-A
Lot area, lot width, lot coverage and required yards	Defined in text (see table below)	Defined in Table 9-B
Building height	Buildings less than 25 feet in height which are not required by the currently applicable Uniform Statewide Building Code to have a building permit shall be permitted with a COA	Accessory buildings shall be not more than 25 feet in height
	Buildings between 25 and 35 feet in height shall be permitted with a COA	Principal buildings shall be at least 25 feet in height but not more than 35 feet in height
	All buildings not addressed above shall be permitted in the district, provided that a COA and a special exception have been granted	Deviations from the height requirement may be authorized by special exception, but only after a COA has been granted

#### **West Freemason Historic and Cultural Conservation Districts (HC-WF1 and HC-WF2)**

Principal uses	Defined in table, except bed and breakfasts have specific criteria	The uses permitted by right or by special exception defined in Table 9-A
Lot area, lot width, lot coverage and required yards		Defined in Table 9-B
Building height	Buildings less than 25 feet in height which are not required by the currently applicable Uniform Statewide Building Code to have a COA shall be permitted with a COA	Accessory buildings shall be not more than 25 feet in height
	Buildings between 25 and 35 feet in height shall be permitted with a COA	Principal buildings shall be at least 25 feet in height but not more than 45 feet in height
	All buildings not addressed above shall be permitted in the district, provided that a COA and a special exception have been granted	Deviations from the height requirement may be authorized by special exception, but only after a COA has been granted

#### **East Freemason Historic and Cultural Conservation Districts (HC-EF)**

Principal uses	Defined in table	The uses permitted by right or by special exception defined in Table 9-A
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Building height	The first floor elevation of any new construction of three stories shall be at a height equal to or between the first floor elevation of the Moses Myers House and the Willoughby-Baylor House. The first floor elevation of any new construction of four stories or more may be at grade.	The first floor elevation of any new construction of three stories shall be 4-5 feet above grade. The first floor elevation of any new construction of four stories or more may be at grade.
	Two-story buildings: 50 feet.	Same
	Three-story buildings: 50 feet.	Same
	Four-story buildings: 60 feet.	Four + story buildings: 60 feet.
Maximum lot coverage	For offices, 25%. For residential or mixed use, 55%	Same
<b>Hodges House Historic and Cultural Conservation Districts (HC-HH)</b>		
Principal uses	Defined in table	The uses permitted by right or by special exception defined in Table 9-A
Building height	The maximum height shall not exceed the existing height of the Hodges House historic structure	The maximum height shall not exceed 30 feet
Yard requirements	Ten feet along the eastern and southern edges	Same
	Twenty-five feet along the Marsh Street frontage of the district	Same
	Along the Indian River Road frontage, no building shall be closer than to the street right-of-way than the existing Hodges House historic structure	45 feet along the Indian River Road frontage of the district
	Accessory uses and structures may be located within the buildable area defined by the yard requirements, subject to a COA	Same
<b>Yard, Area, Height and Bulk Requirements (see table)</b>		
<b>Uses (see table)</b>		